

ORIGINAL

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

APR - 2 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of Part 22 and Part 90 of the)
Commission's Rules to Facilitate Future)
Development of Paging Systems)

WT Docket No. 96-18

Implementation of Section 309(j))
of the Communications Act--)
Competitive Bidding)

PP Docket No. 93-253

To: The Commission

REPLY COMMENTS

Paging Partners Corporation, a Delaware corporation ("Paging Partners"), submits these its Reply Comments in connection with the above-referenced Notice of Proposed Rulemaking ("NPRM" or "Notice"), FCC 96-52, released February 9, 1996. Reply Comments are due to be filed on April 2, 1996.

BACKGROUND

After reviewing the Comments submitted to the Commission in this proceeding, Paging Partners is pleased to note that several similarly situated operators expressed similar views to the Commission: MTAs are too large a geographic licensing area for many small businesses; auctions for existing paging frequencies would be deleterious for small businesses; operators serving a high percentage of the geographic licensing area should be subject to a streamline procedure; existing 900 MHz paging licensees with fixed service area and interference contours should be grandfathered; and 929 MHz PCP licensees should be allowed to complete the construction of nationwide systems.

No. of Copies rec'd
USIA CODE

048

DISCUSSION

I.

GEOGRAPHIC LICENSING

Paging Partners agrees with Metrocall that within the proposed MTAs, there are some geographic areas that are not served for solid business reasons, that this appears to be a pattern in the industry and that BTAs appear to be a more realistic coverage area within which small businesses operate. Metrocall, page 6-7. This principle should dictate the size of geographic licensing for business operations, not a standard set by the government for its own purposes.

Further, Paging Partners agrees with AirTouch Paging that the Commission should set a percentage of coverage of the licensing area which would qualify the licensee for a streamline procedure of acquiring a wide-area license. This would eliminate the possibility of an "insincere" applicant who would acquire white space to deter the existing licensee from further growth. In that regard, as Metrocall points out, the NPRM appears to call for competing applications, instead of avoiding mutually exclusive applications. Paging Partners submits that this promotion of competing applications in an area that is served to a large extent by an existing carrier would provide opportunities for green mail instead of deterring it. See Password Comments at page 5, Airtouch Comments at page 19.

II.

CO-CHANNEL INTERFERENCE PROTECTION

In its Comments, Paging Partners requested that the Commission grandfather interference protection to existing 931 MHz licensees since the proposed standards in the NPRM are based on an average of height and power (1,000 watts, 1000 feet), a sliding scale which reduces previously authorized areas. Several other commentors protested this new standard, as Paging Partners does, on the basis that this would be a de facto modification of an licensee's authorization thus raising serious equitable and retroactivity

issues. Aside from these issues which affect the carriers, the public interest is not served if the existing area of operation and consequently the ability to provide service to customers is reduced. As the Paging Coalition points out in its Comments at page 12, the Commission has affirmed its intentions to keep the incumbent's rights in tact under existing authorization. Why then it proposed to reduce those rights is a mystery. Hopefully, this was an oversight which the Commission will rectify in its Order.

III.

COMPETITIVE BIDDING ISSUES

Paging Partners also agrees with several commentors, Consolidated Communications Mobile Services, Inc. among others, which question the reasons that competitive bidding should be imposed at all for paging frequencies since such a proposal is untimely by approximately 15 years and will threaten small and mid-sized operations because of expense. The proposal is unfathomable, as is the Commission's efforts to clothe it in the public interest as small-business friendly. As Pass Word points out in its Comments, auctions would make market entry more costly and would discourage small entities from even participating. The spector of the current C Block auctions, supposedly aimed at small business but producing prices that surpass the A and B Block auction, does not invite confidence in such a system to small businessmen. Paging Partners agrees with Pass Word that the goals expressed in Appendix A -- Initial Regulatory Flexibility Analysis ("IRFA") cannot be squared in a real world analysis. Pass Word at Page 5.

Finally, some commentors have made the observation that by exempting nationwide licensees from the freeze, the local and regional operators are being unjustly discriminated against, since, they are in fact competitors with the nationwide operators for local and regional markets. This is certainly true in many cases since nationwide operators offer a variety of services based on geographic location. This fact should have been considered by the Commission in its deliberations on the NPRM: it is enough

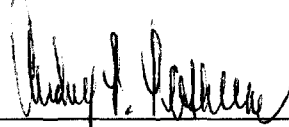
justification that this proceeding is flawed to lift the freeze on the local and regional operators as well.

CONCLUSION

Paging Partners respectfully requests that the Commission take these Reply Comments into consideration in connection with the proposed rulemaking.

Respectfully submitted,

PAGING PARTNERS CORPORATION

A handwritten signature in dark ink, appearing to read "David L. Hill", is written over a horizontal line.

By: David L. Hill
Audrey P. Rasmussen
Its Attorneys

O'Connor & Hannan, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006-3483
(202) 887-1431

Dated: April 2, 1996

36865.Doc.

CERTIFICATE OF SERVICE

I, Gladys L. Nichols, do hereby certify that on this 2nd day of April, 1996, the foregoing **COMMENTS** were served to the following persons by first-class mail:

* Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

* Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

* Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

* Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

* Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Michele Farquhar, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Rosalind K. Allen, Deputy Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

David Furth, Chief
Commerical Wireless Division
Federal Communications Commission
2025 M Street, N.W., Room 5202
Washington, D.C. 20554

Mika Savir, Esquire
Commercial Wireless Division
Federal Communications Commission
2025 M Street, N.W., Room 5202
Washington, D.C. 20554

Rhonda Lien, Esquire
Commercial Wireless Division
Federal Communications Commission
2025 M Street, N.W., Room 5202
Washington, D.C. 20554

A. Thomas Carroccio
Bell, Boyd & Lloyd
1615 L Street, N.W.
Suite 1200
Washington, D.C. 20036

Frederick M. Joyce, Esquire
Joyce & Jacobs
1019 19th Street, N.W.
14th Floor, PH-2
Washington, D.C. 20036

George Y. Wheeler, Esquire
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dennis L. Myers
Vice President/General Counsel
Ameritech Mobile Services, Inc.
2000 West Ameritech Center Drive
Location 3H78
Hoffman Estates, IL 60195-5000

Timothy E. Welch, Esquire
Hill & Welch
1330 New Hampshire Avenue, N.W.
Suite 113
Washington, D.C. 20036

Robert H. Schwaninger, Jr., Esquire
Brown & Schwaninger
1835 K Street, N.W.
Suite 650
Washington, D.C. 20006

Jill Abeshouse Stern, Esquire
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

Veronica M. Ahern, Esquire
Nixon, Hargrave, Devans & Doyle
One Thomas Circle
Washington, D.C. 20005

John L. Crump
d/b/a ACE Communications
11403 Waples Mill Road
Post Office Box 3070
Oakton, VA 22124

William L. Fishman
Sullivan & Worcester LLP
1025 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

Harold Mordkofsky, Esquire
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037

Michael J. Shortley, III
180 South Clinton Avenue
Rochester, NY 14646

Randolph J. May
Sutherland, Asbill & Brennan
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2404

Alan S. Tilles, Esquire
Meyer, Faller, Weisman & Rosenberg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015

Jeanne M. Walsh
Kurtis & Associates, P.C.
2000 M Street, N.W.
Suite 600
Washington, D.C. 20036

Jonathan D. Blake, Esquire
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, D.C. 20044

Jack Richards, Esquire
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Thomas Gutierrez, Esquire
Lukas, McGowan, Nace & Gutierrez, Chartered
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

William J. Franklin, Esquire
William J. Franklin, Chartered
1200 G Street, N.W.
Suite 800
Washington, D.C. 20005-3814

James L. Wurtz
1275 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20004

Judith St. Ledger-Roty, Esq.
Reed, Smith, Shaw & McClay
1301 K Stret, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005

Steven S. Seltzer
Personal Communications, Inc., et al.
P.O. Box One
Altoona, PA 16603-0001

Katherine M. Holden, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Terry J. Romine, Esquire
Lukas, McGowan, Nace & Gutierrez, Chartered
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

John D. Pellegrin, Esquire
Law Offices of John D. Pellegrin, Chartered
1140 Connecticut Avenue, N.W.
Suite 606
Washington, D..C 20036

John A. Prendergast, Esquire
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037

Amelia L. Brown, Esquire
Haley, Bader & Potts, P.L.C.
4350 North Fairfax Drive
Suite 900
Arlington, VA 22203-1633

Jerome K. Blask, Esquire
Gurmna, Blask & Freedman, Chartered
1400 Sixteenth Street, N.W.
Suite 500
Washington, D.C. 20036

Robert L. Hoggarth
Personal Communications Industry Association
1019 19th Street, N.W.
Suite 1100
Washington, D.C. 20036-5105

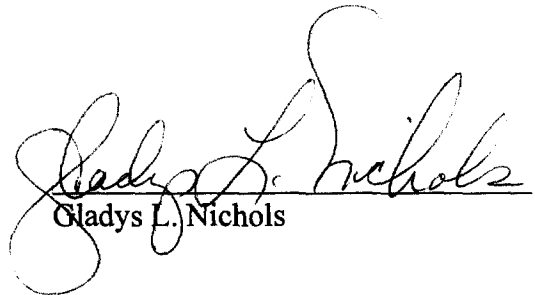
Raymond C. Trott, P.E.
Trott Communications Group, Inc.
1425 Greenway Drive
Suite 350
Irving, TX 75038

Richard S. Becker, Esquire
Richard S. Becker & Associates
1915 Eye Street, N.W.
Eighth Floor
Washington, D.C. 20006

George L. Lyon, Esquire
Lukas, McGowan, Nace & Gutierrez, Chartered
1111 Nineteenth Street, N.W.
Suite 1200
Washington, D.C. 20036

John R. Wilner, Esquire
Bryan Cave, L.L.P.
700 13th Street, N.W.
Washington, D.C. 20005

Carl W. Northrop, Esquire
Paul, Hastings, Janofsky & Walker
1299 Pennsylvania Avenue, N.W.
Tenth Floor
Washington, D.C. 20004



Gladys L. Nichols

* Hand Delivered